

FILED
02-22-2019
CIRCUIT COURT
DANE COUNTY, WI
2019CV000084

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 15

DANE COUNTY

THE LEAGUE OF WOMEN VOTERS
OF WISCONSIN, et al.,

Plaintiffs,

Case No. 19-CV-00084
Case Code: 30701 & 30704

v.

DEAN KNUDSON, et al.,

Defendants.

AFFIDAVIT OF COUNSEL

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Tamara Packard, being first duly sworn on oath, deposes and says:

1. I am an attorney licensed to practice in the State of Wisconsin. I am a partner in the Madison law firm Pines Bach LLP and am one of the counsel for Defendant Governor Tony Evers in this matter.
2. In addition, I am one of the counsel for Governor Tony Evers in *Service Employees International Union (SEIU), Local 1, et al. v. Robin Vos, et al.*, Dane County Case Number 19-CV-0302 ("SEIU Case").

3. Attached hereto as Exhibit "A" is a true and correct copy of the Affidavit of Ryan Nilsestuen originally filed in the SEIU Case.
4. Attached hereto as Exhibit "B" is a true and correct copy of the Affidavit of JoAnna Richard originally filed in the SEIU Case.

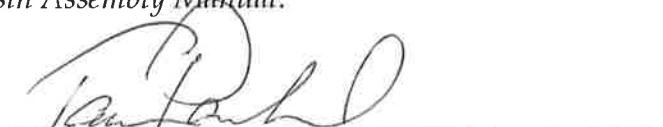
5. Attached hereto as Exhibit "C" is a true and correct copy of the Affidavit of Susan Karaskiewicz originally filed in the SEIU Case.

6. Attached hereto as Exhibit "D" is a true and correct copy of the Affidavit of Sandra Rowe originally filed in the SEIU Case.

7. Attached hereto as Exhibit "E" is a true and correct copy of the Affidavit of Chad Koplien originally filed in the SEIU Case.

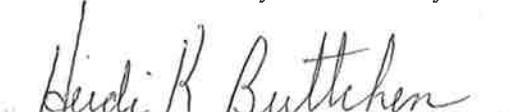
8. Attached hereto as Exhibit F is a true and correct copy of Senate Joint Res. 1, 103rd Reg. Sess. (Wis. 2017).

9. Attached hereto as Exhibit G is a true and correct copy of page A-45 of Wisconsin State Assembly, 1969 *Wisconsin Assembly Manual*.



Tamara Packard

Subscribed and sworn to before me
this 22nd day of February, 2019.



Heidi K. Butchen
Notary Public, State of Wisconsin
My Commission Expires: 09/06/21

Case 2019CV000302

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02-20-2019

CIRCUIT COURT

DANE COUNTY, WI

2019CV000302

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 1, et al.

Plaintiffs,

v.

Case No. 19-CV-0302

ROBIN VOS, et al.

Defendants.

AFFIDAVIT OF RYAN NILSESTUEN

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

RYAN NILSESTUEN, being first duly sworn on oath, deposes and says:

1. I am chief legal counsel for Defendant Gov. Tony Evers. Before January 7, 2019, I was chief legal counsel for the Wisconsin Department of Public Instruction. As one of my job responsibilities, I have evaluated how certain provisions contained in 2017 Wisconsin Acts 368, 369 and 370 will affect the Executive Branch.

2. I submit this affidavit in support of Defendant Gov. Tony Evers' Response to Plaintiffs' Motion for Temporary Restraining Order and Temporary Injunction.

3. On December 14, 2018, 2017 Wisconsin Acts 368, 369, and 370 were enacted into law. Both individually and taken together, Acts 368, 369, and 370 severely limit and impede the ability of the executive branch to exercise core executive responsibilities and powers, thus incurring considerable expense and diminishing the ability of state agencies to serve the public.



4. Section 227.112 of the Wisconsin Statutes, enacted as Section 38 of Act 369, subsection (1), requires state agencies to promulgate guidance documents, as defined by Wis. Stat. § 227.01(3m) (enacted as Section 31 of Act 369), by: submitting such documents to the Legislative Reference Bureau (LRB) for publication in the administrative register in a format prescribed by the LRB; allowing the public to comment on the proposed document for up to 21 days; and retaining and considering such comments before formally adopting the guidance document.

5. Section 227.112(7)(a) of the Wisconsin Statutes requires state agencies to promulgate existing guidance documents before July 1, 2019.

6. The LRB, as required by Wis. Stat. § 227.112(1)(a), prescribed a format for publishing guidance documents.

7. By an email dated January 29, 2019, the LRB issued notice to the state agencies on the method and format to submit guidance documents to the LRB.

8. A true and correct copy of that email, forwarded to me on February 8, 2019 by Mike Duchek in the LRB, is attached hereto as Exhibit 1.

9. The LRB stated in the aforementioned email, in part, that, "The LRB has determined that each submission of a proposed guidance document with a notice of public comment period must be made in the format of a single document in PDF format, though the agency may submit a notice with multiple (i.e., related) documents in a single PDF if appropriate."

10. The LRB further requires agencies to submit guidance documents via email.

11. The LRB's email system limits attachments to 10 megabytes.

12. To assess the impact this provision will have on the executive branch, I had communications with the thirteen state agencies.

13. Based on these communications and meetings and my prior experience as chief legal counsel for the DPI, I am certain that state agencies will not be able to comply with the statutory requirement without significant expense, seriously delayed or diminished services, and a significant reduction in information provided to the public.

14. I conservatively estimate that the definition of a guidance document covers more than 200,000 existing documents across state agencies. This estimate does not include an agency's email correspondence or webpages that meet the definition of a guidance document.

15. On February 13, 2019, I had a meeting with legal counsel from the Legislative Council and LRB. I have also engaged in email correspondence with LRB legal counsel about the guidance document requirements and how the LRB will handle its obligations under Wis. Stat. § 227.112.

16. In addition to the sheer volume of the documents, the LRB process does not permit agencies to submit guidance documents in commonly used formats, such as video and interactive online modules.

17. For example, the DPI's website has 25 training webcasts for child and adult care centers that participate in the Child and Adult Care Food Program (CACFP), a program administered by the DPI. These webcasts provide training on such topics as civil rights requirements, nutritional requirements, record keeping requirements, reporting requirements, and enforcement by the DPI. The webcasts are located at:

<https://dpi.wi.gov/community-nutrition/cacfp/training/webcasts-cacfp>.

18. The LRB's prescribed format does not permit the DPI to submit these webcasts to the LRB for publication.

19. The July 1, 2019 deadline to promulgate guidance documents creates a further burden on state agencies because state agencies will be tasked on or about that date to implement a new state budget. The last state budget, 2015 Wisconsin Act 55, contained 660 pages of changes to state law, many of which had to be implemented by state agencies through administrative rulemaking. As a result of these burdens, many agencies will be unable to meet the July 1, 2019 deadline and be unable to implement new requirements contained in the budget in a timely manner.

20. Section 165.08 of the Wisconsin Statutes, as amended by 2017 Wisconsin Act 369, requires the attorney general to seek approval from a legislative intervenor or, if there is none, the Joint Committee on Finance in order to discontinue any civil action prosecuted by the Department of Justice at the request of a state agency.

21. Section 165.25(6)(a)1 of the Wisconsin Statutes, as amended by 2017 Wisconsin Act 369, requires the attorney general to seek approval from a legislative intervenor or the Joint Committee on Finance (JCF) in order to compromise or settle an action if the action is for injunctive relief or there is a proposed consent decree.

22. These requirements have already impeded the ability of the executive branch to settle or cease lawsuits initiated by the executive branch or settle cases brought against the executive branch.

23. By a letter dated January 22, 2019, Governor Evers withdrew the attorney general's authority to participate in *Texas, et al., v. United States, et al.*, Case No. 2018-cv-00167-0 (N.D. Tex.). A true and correct copy of the letter is attached hereto as Exhibit 2.

24. By a letter dated January 24, 2018, Attorney General Josh Kaul requested the JCF's approval to withdraw from the lawsuit. A true and correct copy of the letter is attached hereto as Exhibit 3.

25. As of the date of this affidavit, the JCF has not responded to, considered, or voted on the request.

26. 2017 Wisconsin Act 370 created Wis. Stat. § 20.940(1), which prohibits the DHS from requesting a waiver from the federal government for any program administered by the DHS. As a result, Governor Evers may not seek any modifications to major federal programs administered by DHS, including BadgerCare Plus, FoodShare Wisconsin, or the WIC Program, without approval by the JCF.



RYAN NILSESTUEN

Subscribed and sworn to before me
this 20 day of February, 2019.



Notary Public, State of Wisconsin
My Commission Expires: permanent



From: [Duchek, Mike - LEGIS](#)
To: [Nilsestuen, Ryan - GOV](#)
Subject: FW: Information on Submittal of Guidance Documents to the LRB
Date: Friday, February 8, 2019 9:53:06 AM
Attachments: [NOTICE OF PROPOSED GUIDANCE DOCUMENT.docx](#)

Ryan, here is what we sent out about a week ago.

From: Administrative Code and Register <Administrative-Code-Register@legis.wisconsin.gov>
Sent: Tuesday, January 29, 2019 4:20 PM
To: Rabe, David - DOA <David.Rabe@wisconsin.gov>; Carlson, Michael M - DATCP <Michael.Carlson@wisconsin.gov>; Dedinsky, Paul - DATCP <Paul.Dedinsky@wisconsin.gov>; Cochard, Lacey L - DATCP <Lacey.Cochard@wisconsin.gov>; Pridgen, Elaine - DCF <Elaine.Pridgen@wisconsin.gov>; Ariss, Katharine A - DOC <Katharine.Ariss@wisconsin.gov>; Slater, Rebecca A - DATCP <Rebecca.Slater@wisconsin.gov>; Davis, Peter G - WERC <PeterG.Davis@wisconsin.gov>; Strelow, Lucas - ETF <Lucas.Strelow@etf.wi.gov>; Nispel, David - ETF <David.Nispel@etf.wi.gov>; Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>; Haas, Michael R - ELECTIONS <Michael.Haas@wisconsin.gov>; Buerger, David - ETHICS <David.Buerger@wisconsin.gov>; Schlei, Mark S - DFI <Mark.Schlei@dfi.wisconsin.gov>; Subach, Dan - DOA <Dan.Subach@wisconsin.gov>; Berry, Robert - DOA <Robert.Berry@wisconsin.gov>; Ciotola, Davis A - DHS <Davis.Ciotola@dhs.wisconsin.gov>; Hayes, Brian - DOA <Brian.Hayes@wisconsin.gov>; Walsh, Julie E - OCI <Julie.Walsh@wisconsin.gov>; Bellavia, Thomas C - DOJ <bellaviatc@doj.state.wi.us>; Rich, Julie A - COURTS <julie.rich@wicourts.gov>; Schultz, Karen E - DWD <KarenE.Schultz@dwd.wisconsin.gov>; Haddix, Linda L - DNR <Linda.Haddix@wisconsin.gov>; Bryan, Carl J - DPI <Carl.Bryan@dpi.wi.gov>; Leong, Helen - DSPPS <Helen.Leong@wisconsin.gov>; Henes, Sharon - DSPPS <Sharon.Henes@wisconsin.gov>; Kleven, Dale - DSPPS <Dale2.Kleven@wisconsin.gov>; Coker, Steffany - PSC <Steffany.Coker@wisconsin.gov>; Shampo, Jeffrey J - DOA <Jeffrey.Shampo@wisconsin.gov>; Chadwick, Jennifer C - DOR <Jennifer.Chadwick@wisconsin.gov>; Whelan, Maura F - DOJ <whelanmf@doj.state.wi.us>
Cc: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Grosz, Scott <Scott.Grosz@legis.wisconsin.gov>; Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>
Subject: Information on Submittal of Guidance Documents to the LRB

The following email is intended for agency employees who work with administrative rules, if you are no longer the point of contact for administrative rules, please forward this email to the correct contact or agency legal counsel. If you receive this email as a forward, please reach out to emma.gradian@legis.wisconsin.gov to be added to the administrative rules agency contact list.

Thank you!

This is a notice to agencies regarding the publication of proposed guidance documents pursuant to provisions included in 2017 Wisconsin Act 369. Under s. 227.112, stats., agencies must submit proposed guidance documents with notices of public comment periods to the LRB in a format approved by the LRB for publication in the register. The LRB has determined that these each submission of a proposed guidance document with a notice of a public comment period must be made in the format of a single document in PDF format, though the

agency may submit a notice with multiple (i.e., related) documents in a single PDF if appropriate. The PDF may consist in whole or in part of pages that have been scanned in. Attached is a sample suggested notice for the submission of a guidance document, which the agency may modify and add to as needed to provide further details regarding the guidance document(s) being put out for comment. It is suggested that the agency include such a notice as the first page of a PDF containing a proposed guidance document. also the certification requirement under s. 227.112 (6), stats. Guidance documents will appear in a separate category in the register.

Although the LRB typically uses a Thursday deadline for submission of materials for the register (which we sometimes will allow exceptions to), publication of a large volume of documents for a given week will require advance notice to the LRB, and the LRB requests and strongly encourages agencies to discuss with the LRB in advance if the agency has any plans for submitting large volumes of documents to the LRB for publication in the register. As with all other notices for the register, notices for proposed guidance documents may be submitted to the LRB at Administrative-Code-Register@legis.wisconsin.gov. If an agency will be sending a large number of files or files with a large file size, please contact us to discuss alternative methods of submission. Please contact the LRB for further questions on the submission of guidance documents for publication in the register.

Note that agencies are not required to submit final guidance documents to the LRB for publication in the register, only proposed guidance documents with notices of public comment periods and the place where comments should be submitted. However, pursuant to s. 227.112 (2), stats., an agency must post final guidance documents and permit continuing public comment on its own web site. Additionally, an agency may seek assistance from the Legislative Council Staff regarding further questions on what constitutes a guidance document for purposes of the statute.

-Mike Duchek (michael.duchek@legis.wisconsin.gov), LRB Administrative Rules Counsel, and Emma Gradian, (emma.gradian@legis.wisconsin.gov), LRB Administrative Rules Editor

NOTICE OF PROPOSED GUIDANCE DOCUMENT

[TITLE OF PROPOSED GUIDANCE DOCUMENT]

Pursuant to s. 227.112, Wis. Stats., the Wisconsin [AGENCY NAME] is hereby seeking comment on [TITLE OR DESCRIPTION OF PROPOSED GUIDANCE DOCUMENT(S)], a proposed guidance document.

[The agency may offer a further description of the proposed guidance document(s) as well as any other relevant information, such as whether the proposed guidance document(s) replaces any earlier guidance document(s).]

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to [AGENCY NAME] until [COMMENT DEADLINE]* by:

[1. Emailing [AGENCY E-MAIL]]

[2. Submitting a comment through the [AGENCY NAME]’s website: [URL]]

[3. Mailing written comments to:

[AGENCY ADDRESS]]

AGENCY CONTACT PERSON

The final version of this guidance document will be posted at [URL] to allow for ongoing comment.

AGENCY CONTACT PERSON

[AGNENCY CONTACT PERSON AND CONTACT INFORMATION]

*The agency should note approval of the governor if using a comment period of less than 21 days.



Tony Evers

Office of the Governor | State of Wisconsin

VIA HAND DELIVERY

January 22, 2019

The Honorable Josh Kaul
Attorney General
Wisconsin Department of Justice
17 W. Main Street
Madison, WI 53703

Attorney General:

I am immediately withdrawing the authority previously provided under Wis. Stat. § 165.25(1m) for Wisconsin to participate in litigation over the Affordable Care Act in *Texas, et al. v. the United States*.

I know that the approximately 2.4 million Wisconsinites with a pre-existing condition share my deep concern that this litigation jeopardizes their access to quality and affordable health care. If successful, this litigation could once again allow insurance companies to deny coverage to people with pre-existing conditions—such as asthma, diabetes, or cancer—or allow them to charge exceedingly high rates.

I cannot continue to allow the use of taxpayer resources toward a lawsuit that could undermine the health security of the people of the state.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers
Governor

TE:sj

Exhibit 2



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

January 24, 2019

VIA HAND DELIVERY

✓ The Honorable Alberta Darling
Co-Chair, Joint Committee on Finance
Room 317 East, State Capitol

The Honorable John Nygren
Co-Chair, Joint Committee on Finance
Room 309 East, State Capitol

Re: Request for authorization

Dear Senator Darling and Representative Nygren:

Pursuant to Wis. Stat. § 165.08(1), I write to request authorization from the Joint Committee on Finance to move to withdraw the State of Wisconsin from *Texas v. United States*, Case No. 2018-cv-00167-O (N.D. Tex.), and to move to withdraw the State of Wisconsin from the appeal of that case. I respectfully request that a vote on this matter be held promptly.

If you have any questions about this request or would like further information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Joshua L. Kaul".

Joshua L. Kaul
Attorney General of Wisconsin

JLK:alm

Exhibit 3

Case 2019CV000302

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FILED

02-20-2019

CIRCUIT COURT

DANE COUNTY, WI

2019CV000302

STATE OF WISCONSIN CIRCUIT COURT
BRANCH 8

DANE COUNTY

SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 1, et al.*Plaintiffs,*

v.

Case No. 19-CV-0302

ROBIN VOS, et al.

Defendants.

AFFIDAVIT OF JOANNA RICHARD

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

JOANNA RICHARD, being first duly sworn on oath, deposes and says:

1. I am the Deputy Secretary of the Wisconsin Department of Workforce Development ("DWD"), located in Madison, Wisconsin. I have been serving in this capacity since January 8, 2019. I also previously served as Deputy Secretary from February of 2007 to November of 2010 and understand the duties and responsibilities of this agency. I make this affidavit based on my personal knowledge and experience, after consultation with various DWD division leaders and staff.

2. DWD, typically called the state's labor department, has six divisions: Employment and Training; Equal Rights; Operations, Unemployment Insurance; Vocational Rehabilitation; and, Worker's Compensation. The divisions' activities can be summarized as follows:

- a. Employment and Training (DET):** The Division of Employment & Training develops and maintains employment-focused programs that enable employers to hire and retain the workforce they need and that provide individuals and families with services that enable them to achieve financial wellbeing as members of Wisconsin's workforce. It delivers services through public-private partnerships and a statewide network of Job Centers. <https://dwd.wisconsin.gov/det/>
- b. Equal Rights (ERD):** The Equal Rights Division administers laws prohibiting discrimination in employment, housing and public accommodations, and the state's family and medical leave law. It enforces laws pertaining to minimum wage, overtime pay, timely payment of wages, employment of minors, and notification of business closings or mass layoffs. <https://dwd.wisconsin.gov/er/>
- c. Operations (DO):** The Operations Division provides various administrative support services to the program divisions, including finance, budget, information technology, facilities and other operations that offer support to the divisions. <https://dwd.wisconsin.gov/do/>
- d. Unemployment Insurance (UI):** The Unemployment Insurance Division collects employer payroll taxes, pays benefits to eligible unemployed workers, adjudicates disputes, detects fraud; collects benefit overpayments, and administers the New Hire Reporting program. <https://dwd.wisconsin.gov/det/>
- e. Vocational Rehabilitation (DVR):** The Division of Vocational Rehabilitation is a federal/state program designed to obtain, maintain, and improve employment for people with disabilities by working with VR consumers, employers, and other partners. <https://dwd.wisconsin.gov/dvr/>

f. Worker's Compensation (WC): The Worker's Compensation Division ensures the prompt payment of benefits by private insurance companies and self-insured employers to workers who sustain work-related injuries or illnesses, resolves appeals regarding claims. <https://dwd.wisconsin.gov/wc/>

3. I am familiar with Act 369's guidance document requirements, including the requirements to add citations to statutes and rules to each guidance document, to submit all guidance documents to the Legislative Reference Bureau ("LRB"), to post all guidance documents on the agency website and invite public comment, and to append to each guidance document a required statement, signed by the Secretary. These requirements are impractical and will be highly disruptive to DWD meeting the needs of Wisconsin's most vulnerable citizens. As the state's labor department, administering federal and state laws, guidance documents are used in a variety of ways to communicate with the public regarding: compliance with forms; electronic filings; on-going weekly claims; financial and medical documentation for worker's compensation claims; eligibility determinations; financial processing and reimbursements for clients, vendors, service providers, and employers; to name just a few. With dozens of programs and subprograms within the six divisions, the number of documents needing to be reviewed, stored in one location, and tracked for on-going public comment necessitates an entire level of professional staff to comply with this new process.

4. Although the definition of "guidance document" in Act 369 is ambiguous and potentially extremely broad, even using a conservative interpretation of the term, DWD

estimates that thousands of agency documents and website instructions fall under this definition.

5. Just within the Division of Vocational Rehabilitation it is estimated that nearly 200 documents must be put through this new review and approval process, many of which are compliance documents and FAQs relating to federal guidelines and definitions. However, DVR appears to be the least affected, with numbers ranging from 300 guidance documents in our Operations Division to over 72,000 guidance documents in Worker's Compensation. The estimated DWD staff needed to comply with the guidance document provisions in Act 369 is upwards of nearly a dozen new staff to implement, in addition to nearly a hundred more existing staff needed to maintain and update the many documents.

6. Other tasks will be delayed, special dedicated positions will have to be established to manage the new requirements and special scanning machines with an electronic index will have to be purchased to track and reconcile the documents that fall under this new process.

7. Since many of the guidance documents are electronic, the maintenance of a separate web location will necessitate additional and costly IT programming to ensure that relevant documents are linked to the more consumer friendly pages contained within the specific program website locations.

8. DWD is also very concerned that under the provisions of Act 369, the Legislature, its committees, or the LRB could remove or suspend rules or guidance documents without any replacement to assist members of the public. Documents, including consumer guides, formula distribution methods, and handbooks are common tools to inform the public and partner agency for how to comply with programs to anticipate

formula funding, such as federal grant funds. These documents are updated periodically for a variety of reasons, including recent legal interpretations, legal cases, inflation, census changes, unemployment rates, major employer dislocations, and the like.

9. For example, DWD distributes Title I funds, based on United States Department of Labor (USDOL) guidance, to the eleven workforce development boards spread throughout the state. The funds are distributed based on population and other recent labor market factors. The Department issues these funds and notices the new formula through a memo to the Board leaders. DWD believes that this effort would be considered guidance. DWD is concerned that under provisions in Act 369, the funding formulas could be negated and suspended causing the workforce system to come a halt and funds be frozen.

10. For another example, with the recent federal government shutdown, UI issued communications on UI eligibility for federal employees, distinguishing between federal employees who were furloughed and those reporting hours but not being paid. *See* https://dwd.wisconsin.gov/dwd/newsreleases/2019/190114_assisting_fed_employees.htm DWD believes that this mere communication would be considered guidance and would have had to comply with the 21 day wait period had the guidance document law been in effect at the time, delaying this much needed information to the public.

11. Additionally, if the definition of guidance document were interpreted, it could be read to extend to internal documents used by staff, Administrative Law Judges, and others to train and instruct staff on program compliance. When including these documents, this new guidance document process would deter DWD from its core mission of assisting workers and employers and cause immense pressure on professional staff for duties and assignments not currently anticipated.

12. In addition to the thousands of guidance documents that will be impacted by the submission, posting and comment requirements in Act 369, DWD estimates at least thousands of publications will need updating with citations to statutes and rules to comply with Act 369.

13. This would include vital forms such as UI handbooks, videos, FAQs, instructions on how to register on Job Center of Wisconsin, Top 10 Things You Should Know, What Teachers and School Employees Should Know, among many others. See: <https://dwd.wisconsin.gov/uiben/>

14. These and other documents are also available in other languages such as Spanish and Hmong in addition to a language line that can be called for other languages.

15. Additionally, when the USDOL extends benefits during a recession, UI must act quickly to implement the extended benefits for claimants and delays due to guidance document review may result in delay in benefits to families already in economic distress.

16. Other DWD programs, such as those found in ERD require timeliness of filing for those seeking redress for an employment law. An individual has 300 days from the incident and any delays in the filing due to a lack of form may impact those seeking redress.

17. DWD receives much of its funding from federal programs and with the requirements that administrative overhead be kept to a small portion of the overall federal funds, the new guidance document review requirement will either detract from the core mission prescribed by those federal partners or necessitate a diminishing of supervision needed to comply with federal guidelines and performance targets which could result in loss of federal funds and resources.

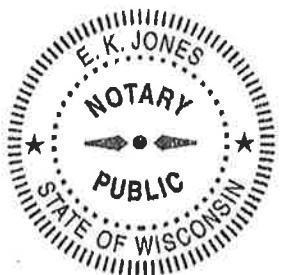
18. For example, under the Workforce Innovation and Opportunities Act, a federal program, DWD receives funding for Title I and Title III of that act. Both programs cap the administrative portion of funds at 10%. With flat federal funds and rising costs of overhead costs, these targets are difficult to meet. However, with this added burden, DWD will be hard pressed to meet those targets and meet the new requirements by the Legislature, especially as the new requirements would impact IT, operations, and personnel.

19. Additionally, Unemployment Insurance must meet USDOL timeliness targets for UI claims and failure to meet those claims, adjudications and appeals resolution may result in corrective actions imposed upon the agency and may result in financial penalties.

20. DWD believes Act 369's requirement that the Department of Justice ("DOJ") seek approval from the Legislature's Joint Committee on Finance (or others) before settling certain cases could negatively impact DWD as well.

21. The types of cases that DOJ typically represents DWD in include personnel issues that have been litigated and appealed. Before Act 369, the decision to settle such a case typically rests with the agency with consultation from the DOJ. Settlement funds come from a pooled risk management fund and the agencies are responsible for their portion of the risk management fees. As many of these are personnel matters and have tight deadlines, seeking approval is problematic. A decision to reject the settlement desired by the agency, forcing further litigation of the issue may result in even greater financial risk to the agency and additional internal resources to be tapped into the future and further litigation and uncertainty for DWD.

22. I submit this affidavit in support of Defendant Gov. Tony Evers' Response to Plaintiff's Motion for Temporary Restraining Order and Temporary Injunction.



JoAnna M Richard

JoAnna Richard

Subscribed and sworn to before me
this 19th day of February 2019.

E K Jr
Notary Public, State of Wisconsin
My Commission Expires: PERMANENT

Case 2019CV000302

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02-20-2019

CIRCUIT COURT

DANE COUNTY, WI

2019CV000302

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

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SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 1, et al.*Plaintiffs,*

v.

Case No. 19-CV-0302

ROBIN VOS, et al.

Defendants.

AFFIDAVIT OF SUSAN KARASKIEWICZ

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Susan Karaskiewicz, being first duly sworn on oath, deposes and states:

1. I am the Chief Legal Counsel at the Wisconsin Department of Corrections ("DOC").
2. The DOC is the state agency responsible for overseeing the state's correctional institutions and those incarcerated therein as well as supervising individuals on community supervision.
3. As Chief Legal Counsel at the DOC, among other things, I am responsible for coordinating the DOC's compliance with those sections of 2017 Wisconsin Act 369 that amend Wis. Stat. Chapter 227 regarding "guidance documents," including the requirement in newly-created Wis. Stat. § 227.05 (Section 33 of Act 369) for agencies, including the DOC, to insert statutory and rule citations into each guidance document, and the requirements in newly-created Wis. Stat. § 227.112 (Section 38 of Act 369) to submit to the

Legislative Reference Bureau (“LRB”) all guidance documents on or before July 1, 2019, post such documents on the DOC website, allow for a public comment period, consider all comments before re-adopting or modifying the guidance, and append the required certification, signed by the Secretary, to each piece of guidance.

4. DOC has identified approximately 450 guidance documents that will need to be processed as described in paragraph 3, and our review for additional guidance documents continues, so there may be additional documents adding to this total.

5. DOC estimates that in addition to existing documents, approximately 360 new documents annually will be created and need to be processed as “guidance documents,” though that could vary widely from year to year.

6. To process all 450 existing documents through the guidance document process, DOC estimates that it may take approximately 9450 hours, which over the course of one year would amount to more than 4.5 full-time equivalent positions. In the first year, the cost for these positions is estimated at over \$625,000.

7. If DOC is not able to hire new staff to assist with the additional burdens imposed by the guidance document requirements in Act 369, other projects will likely be delayed and the general day-to-day operation of the DOC will be negatively affected. For instance, because it is likely this project would have a department-wide impact, timely fulfillment of open records requests will be compromised, and review of agreements and compliance with fiscal estimates will likely be delayed. Devotion of resources to meeting the guidance document requirements could limit the DOC’s ability to proceed with timely biennial report review and rulemaking. In addition to that, this project could impact the

DOC's office of legal counsel, restricting resources that would otherwise provide timely counsel and advice to the DOC.

8. I submit this affidavit in support of Defendant Gov. Tony Evers' Response to Plaintiffs' Motion for Temporary Restraining Order and Temporary Injunction.



Subscribed and sworn to before me this 10th day of February, 2019.

Andrea L. Elmanson
Notary Public, State of Wisconsin
My Commission Expires: 12/2019

Case 2019CV000302

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02-20-2019

CIRCUIT COURT

DANE COUNTY, WI

2019CV000302

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 1, et al.*Plaintiffs,*

v.

Case No. 19-CV-0302

ROBIN VOS, et al.

Defendants.

AFFIDAVIT OF SANDRA ROWE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Sandra M. Rowe, being first duly sworn on oath, depose and say:

1. I am the Chief Legal Counsel for the Wisconsin Department of Health Services (hereinafter "DHS"), Office of Legal Counsel. Among other job duties, I am responsible for spearheading the DHS' compliance with the provisions in 2017 Wisconsin Act 369 regarding "guidance documents," further detailed below. I make this affidavit based on my personal knowledge and experience, after consultation with various division leaders within DHS.
2. DHS oversees Medicaid, the single largest program in the state budget, and other health and social service programs. DHS ensures that the care provided to Wisconsin residents is high quality and provided in accordance with state and federal law; ensures that Wisconsin taxpayer dollars are being used effectively and efficiently by preventing and detecting waste, fraud, and abuse; and works to continue Wisconsin's long tradition of strong health outcomes and innovation. DHS works with local counties, health care providers, community partners, and others to provide alcohol and other drug abuse prevention, mental health, public health, implementation of long-term care, disability determination, regulation of state nursing homes, and numerous other programs that aid and protect the citizens of our state. DHS also oversees seven 24/7 institutions: three centers for the developmentally disabled; a facility for mentally ill inmates; two psychiatric hospitals; and a facility for treating sexually violent persons.

3. I submit this affidavit in support of Defendant Gov. Tony Evers' Response to Plaintiffs' Motion for Temporary Restraining Order and Temporary Injunction.

Guidance Documents and Agency Publications

4. 2017 Wisconsin Act 369 (hereinafter "Act 369") requires that agency documents and communications that meet the definition of a "guidance document" under Wis. Stats. § 227.01(3m)(a), and which are not excepted under par. (b), must comply with certain legal requirements, before they can be "adopted" by DHS.
5. DHS must adopt and certify existing "guidance documents" by July 1, 2019, or they will be "considered rescinded." See § 227.112(7)(a).
6. In order to adopt new and existing guidance documents, DHS must develop processes and procedures and allocate staff to publish notices (§ 227.112(1)(a)), establish public comment periods (§ 227.112(1)(b)), consider and retain public comments (§ 227.112(1)(b) and (d)), conduct extensive legal compliance analyses (§ 227.112(6)) (which are further complicated by federal partnerships), post each adopted guidance document to the agency's internet site (§ 227.112(2)), and permit ongoing commenting (§ 227.112(2)). In addition, guidance documents that upon review cannot be certified, or that DHS relies on to the detriment of a person in "any proceeding," and which are successfully contested under (§ 227.112(3)), may require lengthy rule promulgation.
7. In addition to provisions relating to guidance documents, Act 369 created requirements relating to "agency publications." DHS must identify the applicable provision of federal law or the applicable state statutory or administrative code provision that support any statement or interpretation of law that the agency makes in any publication, whether in print or on the agency's Internet site, including guidance documents, forms, pamphlets, or other informational materials, regarding the laws the agency administers. See § 227.05.
8. To initially implement requirements related to agency publications and to ensure compliance with Act 369 throughout the development of future agency publications, DHS must develop processes and procedures, develop training resources, and allocate staff to conduct an initial review of a broad range of agency publications.
9. DHS surveyed program staff to estimate the number of documents and communications that will require preliminary screening and review and that may require adoption as guidance documents, based upon the definition given in § 227.01(3m) and based upon related provision of Ch. 227, which govern agency rule-making authority. At a minimum, these provisions require review and analysis of any documents and communications that DHS programs make available to the public, providers, and regulated entities, including internal operating procedures provided to staff, regarding the implementation of a statute or rule that DHS has responsibility to enforce or administer. Since grants to statutory authority for DHS programs are often expressed in broad terms, the universe of potential documents and communications that may require

adoption is vast and may include documents and communications that may not be readily identified as guidance documents prior to careful review and analysis.

10. Amidst considerable uncertainty and confusion about how to implement Act 369, DHS is not able to *precisely* quantify the workload associated with implementing and complying with the guidance document and agency publications requirements created by Act 369. However, based upon preliminary estimates provided by program staff, DHS anticipates that initial implementation of guidance document requirements will involve analysis of about 29,105 documents and communications, adoption of at least 12,357 existing guidance documents, and ongoing review, revision, and adoption of approximately 2,595 new guidance documents each year thereafter. In addition, the department estimates that tens of thousands of agency publications will have to be reviewed and revised based upon Act 369's requirements relating to agency publications. DHS estimates a need for a minimum of 6.0 FTE across the Department (1 FTE Division of Public Health, 1 FTE Division of Medicaid Services, 1 FTE Division of Care and Treatment Services/Division of Quality Assurance, 1 FTE Division of Enterprise Services/Office of Inspector General, 2 FTE Office of Legal Counsel/Office of the Secretary) to handle the ongoing workload created by Act 369. In addition to these 6 permanent FTE, the initial workload associated with implementing Act 369 will have to be handled by an additional combination of LTES, contract staff, and reallocation of existing FTE.
11. Act 369 did not allocate additional staff or resources, necessary for DHS to successfully review, potentially revise, and adopt the large number of existing agency guidance documents before July 1, 2019, nor implement provisions relating to agency publications, nor handle the ongoing workload produced by these new requirements. DHS will have to absorb this workload within existing funds and resources. This will result in taxpayer dollars being used for additional layers of bureaucracy, and diverting funds from other important administrative functions. This may also divert resources intended to improve delivery of Medicaid services. To the extent that DHS must rely on reallocated staff, this will result in delays in issuing new policies and publications, promulgating new or revised administrative rules, and conducting ongoing monitoring of current programs. Overall, the efforts necessary to comply with these aspects of Act 369 will likely result in delays in performing day-to-day administrative tasks for current programs. This will negatively impact services to our customers. Staff will need to prioritize critical issues and continue to comply with other legislative mandates.
12. The July 1, 2019 deadline for adopting existing guidance documents and the requirement to immediately implement requirements related to agency publications are also problematic. Critical staff that need to be involved also have other duties. They will be required to focus on these requirements instead of other important deadlines, including working on biennial budget development, completing year end closing activities, working on developing potential state plan amendments and rate setting.

Waivers, State Plan Amendments, and Settlements

13. The Medicaid program is jointly funded with federal and state dollars. In Wisconsin, federal funding provides 50% of administrative costs and about 60% of benefit costs (the total Wisconsin Medicaid budget exceeds \$9 billion). There are numerous federal requirements that states must meet to receive federal funding. The two primary requirements are to designate a single state agency to administer the state's Medicaid program, and to have that agency develop a Medicaid State plan, which sets forth how the Medicaid program will be administered. See 42 USC § 1396a.
14. The State plan describes the nature and scope of its Medicaid program and gives assurance that it will be administered in conformity with all federal Medicaid requirements, regulations, and official issuances by the Department of Health and Human Services. The State plan is the basis for CMS's determination of whether a State will receive Federal financial participation (FFP) in the State program. 42 CFR § 430.10.
15. To meet the requirement in 42 U.S.C. § 1396a(a)(5) and 42 CFR § 431.10, a State must designate a single state agency to administer or supervise the administration of the state's Medicaid plan. The State must also provide certification by the state Attorney General, citing the legal authority for the single state agency to administer or supervise the administration of the Medicaid plan and to make rules and regulations that it follows in administering the plan or that are binding upon local agencies that administer the plan, as appropriate. 42 C.F.R. § 431.10(b).
16. The State plan and amendments must be submitted to the Governor, or the Governor's designee, for review and comment, unless the Governor assigns a designee who is also the head of the state's Medicaid agency. 42 C.F.R. § 430.12(b). Wisconsin's State Plan designates the Department of Health Services as Wisconsin's single state agency to administer the Medicaid program. In addition, Wisconsin law requires that when the state accepts federal funds that the department designated to govern the funds shall comply with the federal rules and regulations that make such funds available. Wis. Stat. § 16.54(4).
17. Wisconsin Statute § 20.940, created by 2017 Act 370, imposes restrictions on the Department of Health Services regarding Medicaid waivers. Medicaid Waivers allow a state to waive certain Medicaid program requirements that permit a state to provide care for people who might not otherwise be eligible under Medicaid. Again, federal law limits control of the Medicaid program to the single state agency: "The Medicaid agency may not delegate, to other than its own officials, the authority to supervise the plan or to develop or issue policies, rules, and regulations on program matters." 42 CFR § 431.10(e). Moreover, at a practical level, this additional level of approval, and potential for disapproval and delay, is likely to interfere with our ability to appropriately administer the Medicaid program.
18. 2017 Act 369 amends Wis. Stat. § 165.10, by directing the Department of Justice to deposit all settlement funds into the general fund. Federal laws set forth specific

requirements for state Medicaid programs on the recovery of any Medicaid funds. 42 C.F.R. §§ 433.300 – 433.322; and 42 USC § 1396b(d). The funds recovered for the Medicaid program are intended to make it whole, including CMS. Even if the funds are deposited into the general fund, the Department of Health Services is still required to refund the federal share for all recovered Medicaid funds. Failure to comply with the federal requirements can result in penalties, interest, and further costs for the Medicaid program. At a practical level, this potential conflict of laws will make settlement more expensive for tax payers, more difficult for the parties, and more time consuming for everyone involved.

19. The federal requirement for states to designate a single state agency that has sole responsibility for the Medicaid program and its policies appears to preempt the recent legislation that delegates decision-making to the legislature. Complying with the recent changes placed on the Department of Health Services by state statutes could result in a determination by CMS that Wisconsin's Medicaid is not in compliance with state plan requirements, and may jeopardize Wisconsin's federal share. 42 USC § 1396c.



A handwritten signature of Sandra M. Rowe in black ink.

Sandra M. Rowe
Chief Legal Counsel
Office of Legal Counsel
Wisconsin Department of Health Services

Subscribed and sworn to before me
this 20th day of February, 2019.

Courtney Mesdjian
Notary Public, State of Wisconsin
My Commission Expires: April 20, 2020

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 1, et al.*Plaintiffs,*

v.

Case No. 19-CV-0302

ROBIN VOS, et al.

Defendants.

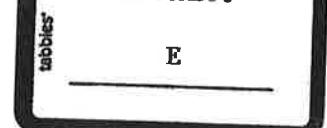
AFFIDAVIT OF CHAD KOPLIEN

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Chad Koplien, being first duly sworn on oath, deposes and says:

1. I am the Chief Legal Counsel at the Wisconsin Department of Veterans Affairs ("DVA"). I also serve as a command judge advocate for the Wisconsin Army National Guard assigned to the 64th Troop Command headquartered in Madison, Wisconsin.

2. The DVA is the state agency responsible for administering and coordinating state Veterans benefits, services and programs for Wisconsin Veterans and their Families pursuant to Wis. Stat. Chp. 45 and related state and federal laws. It operates through four divisions (Enterprise Services, Veterans Benefits, Veterans Services and Veterans Homes [two campuses with six long-term care facilities] and one campus operated by a private vendor), the Wisconsin Veterans Museum, three Veterans cemeteries, a Disability Claims office and a Funeral Honors program.



3. As Chief Legal Counsel at DVA, among other things, I am responsible for coordinating the DVA's compliance with the provisions in 2017 Wisconsin Act 369 regarding "guidance documents," including the requirements in newly-created Wis. Stat. § 227.112 (Section 38 of Act 369).

4. Based on the diversity and wide-reaching scope of the DVA programs, benefits and services as well as our state-wide nursing homes compounded by our homeless Veterans programs, our guidance documents are Leviathan. This affidavit presents a good faith, preliminary assessment of the number of existing documents that are subject to the "guidance document" provisions in Act 369, and the resources that will be required to comply with those provisions.

5. DVA has initially identified approximately 806 existing documents that will be required to go through the guidance document process. We continue to assess our documents to identify additional material, including web pages, to add to this preliminary total.

6. DVA estimates that between 100 and 200 additional guidance documents will be created annually, which will also be required to go through the guidance document process.

7. DVA estimates that to manage the additional workload required by Act 369's guidance document provisions, it will need to hire one full-time-equivalent attorney at an approximate cost of \$85,000 per year, and six full-time-equivalent administrative staff, at an approximate cost of \$45,000 each per year, for a total annual cost of approximately \$355,000 to \$400,000.

8. If DVA does not hire additional legal and administrative staff to identify, review, revise and monitor the DVA guidance documents by the statutory deadline, the legal operations of the agency will be compromised.

9. I submit this affidavit in support of Defendant Gov. Tony Evers' Response to Plaintiffs' Motion for Temporary Restraining Order and Temporary Injunction.

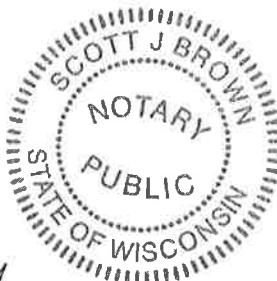


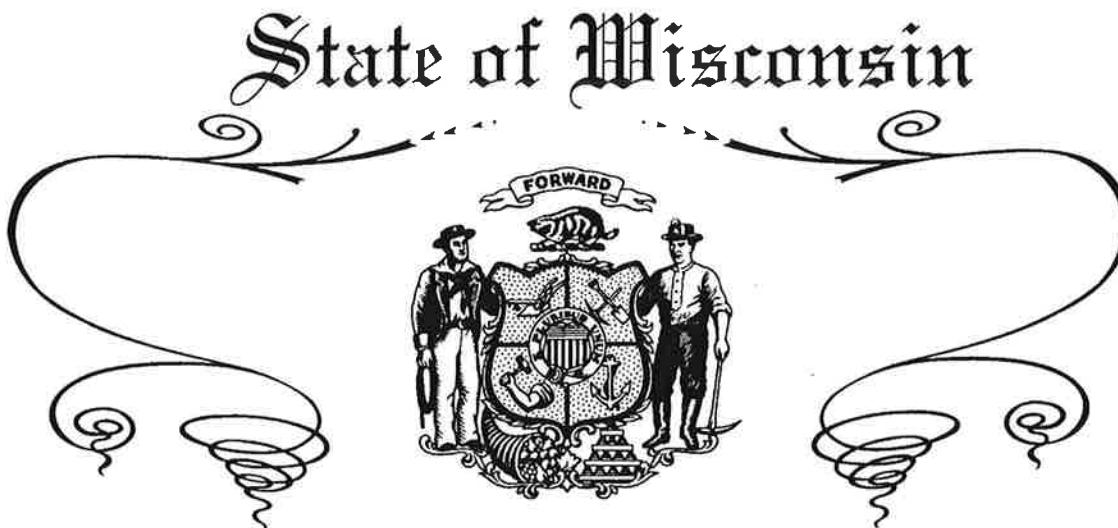
Chad Koplien

Subscribed and sworn to before me
this 19th day of February, 2019.



Notary Public, State of Wisconsin
My Commission Expires: 5/01/19



**2017 Senate Joint Resolution 1**

ENROLLED JOINT RESOLUTION

Relating to: the session schedule for the 2017–2018 biennial session period.

Resolved by the senate, the assembly concurring, That:

SECTION 1. 2017–2018 session schedule. (1) BIENNIAL SESSION PERIOD. The legislature declares that the biennial session period of the 2017 Wisconsin legislature began on Tuesday, January 3, 2017, and that the biennial session period ends at noon on Monday, January 7, 2019.

(2) BUDGET DEADLINE EXTENDED. The deadline of Tuesday, January 31, 2017, set by section 16.45 of the statutes for introduction of the executive budget bill or bills, submittal of the state budget report, and delivery of the governor's budget message, is extended to Wednesday, February 8, 2017.

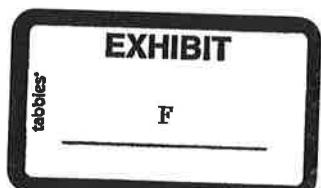
(3) SCHEDULED FLOORPERIODS AND COMMITTEE WORK PERIODS. (a) *Unreserved days.* Unless reserved under this subsection as a day to conduct an organizational meeting or to be part of a scheduled floorperiod of the legislature, every day of the biennial session period is designated as a day for committee activity and is available to extend a scheduled floorperiod, convene an extraordinary session, or take senate action on appointments as permitted by joint rule 81.

(b) *Inauguration.* Pursuant to section 13.02 (1) of the statutes, the inauguration of the members of the 2017 legislature, and the organizing for business of the 2 houses, commences at 2 p.m. on Tuesday, January 3, 2017.

(c) *Floorperiod.* A floorperiod commences on Tuesday, January 10, 2017, at 10 a.m., and ends on January 10, 2017.

(d) *Floorperiod.* A floorperiod commences on Tuesday, January 17, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, January 19, 2017.

(e) *Floorperiod.* A floorperiod commences on Tuesday, February 7, 2017, at 10 a.m., and ends on Thursday, February 9, 2017.



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(f) *Floorperiod.* A floorperiod commences on Tuesday, March 7, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, March 9, 2017.

(g) *Floorperiod.* A floorperiod commences on Tuesday, March 28, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, April 6, 2017.

(h) *Bills to governor.* No later than Thursday, April 20, 2017, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Thursday, April 6, 2017.

(i) *Floorperiod.* A floorperiod commences on Tuesday, May 2, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, May 11, 2017.

(j) *Floorperiod.* A floorperiod commences on Tuesday, June 6, 2017, at 10 a.m., and, unless adjourned earlier, ends on Friday, June 30, 2017, but this floorperiod may not be adjourned until the general fund executive budget bill has been passed by both houses.

(k) *Nonbudget bills to governor.* No later than Thursday, August 3, 2017, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills, except the general fund executive budget bill, originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Friday, July 28, 2017.

(L) *Budget bill to governor.* No later than the later of Thursday, August 3, 2017, at 4:30 p.m., or 4:30 p.m. on the 4th Thursday after the general fund executive budget bill is passed by both houses in identical form, the chief clerk of each house shall submit to the governor for executive action thereon any enrolled general fund executive budget bill originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session.

(m) *Floorperiod.* A floorperiod commences on Tuesday, September 12, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, September 21, 2017.

(n) *Floorperiod.* A floorperiod commences on Tuesday, October 10, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, October 12, 2017.

(o) *Floorperiod.* A floorperiod commences on Tuesday, October 31, 2017, at 10 a.m., and, unless adjourned earlier, ends on Thursday, November 9, 2017.

(p) *Bills to governor.* No later than Thursday, December 7, 2017, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Thursday, November 9, 2017.

(q) *Floorperiod.* A floorperiod commences on Tuesday, January 16, 2018, at 10 a.m., and, unless adjourned earlier, ends on Thursday, January 25, 2018.

(r) *Floorperiod.* A floorperiod commences on Tuesday, February 13, 2018, at 10 a.m., and, unless adjourned earlier, ends on Thursday, February 22, 2018.

(s) *Last general-business floorperiod.* The last general-business floorperiod commences on Tuesday, March 13, 2018, at 10 a.m., and, unless adjourned earlier, ends on Thursday, March 22, 2018.

(t) *Bills to governor.* No later than Thursday, April 12, 2018, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Thursday, March 22, 2018.

(u) *Limited-business floorperiod.* A floorperiod commences on Tuesday, April 17, 2018, at 10 a.m., and, unless adjourned earlier, ends on Thursday, April 19, 2018, which is limited to matters

2017 Senate Joint Resolution 1

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allowed under joint rule 81m (2) and to considering resolutions offered for the purpose of extending the commendations, condolences, or congratulations of the legislature to a particular person, group, or organization, or of recognizing a particular event or occasion.

(v) *Bills to governor.* No later than Thursday, April 26, 2018, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Thursday, April 19, 2018.

(w) *Veto review floorperiod.* A floorperiod, limited to matters allowed under joint rule 82 (1m), commences on Tuesday, May 8, 2018, at 10 a.m., and, unless adjourned earlier, ends on Wednesday, May 9, 2018.

(x) *Bills to governor.* No later than Wednesday, May 23, 2018, at 4:30 p.m., the chief clerk of each house shall submit to the governor for executive action thereon all enrolled bills originating in the chief clerk's house and having been passed by both houses, in regular, extraordinary, or special session, on or before Wednesday, May 9, 2018.

(4) **INTERIM PERIOD OF COMMITTEE WORK.** Upon the adjournment of the last general-business floorperiod, there shall be an interim period of committee work ending on Monday, January 7, 2019.

(5) **SPECIAL AND EXTRAORDINARY SESSIONS.** (a) *Adjournment.* Except for consideration of executive vetoes or partial vetoes, a motion adopted in each house to adjourn a special or extraordinary session pursuant to this joint resolution shall constitute final adjournment of the special or extraordinary session.

(b) *Bills to governor.* No later than 4:30 p.m. on the first Thursday occurring 2 full weeks after the day a bill is passed by both houses in identical form after May 9, 2018, in special or extraordinary session, the chief clerk of the house in which it originated shall submit it to the governor for executive action thereon.

(c) *Veto review.* A special or extraordinary session shall reconvene upon a call of a majority of the members of the joint committee on legislative organization solely for the consideration of executive vetoes or partial vetoes if an enrolled bill passed by both houses during the special or extraordinary session was vetoed or partially vetoed.

(6) **END OF TERM.** The biennial term of the 2017 legislature ends on Monday, January 7, 2019. Pursuant to section 13.02 (1) of the statutes, the inauguration of the members of the 2019 legislature will be on Monday, January 7, 2019.

SECTION 2. Notice of 2019 session organization. Notice is hereby given that the biennial session of the 2019 legislature will hold its first meeting, pursuant to section 13.02 (1) of the statutes, on Monday, January 7, 2019, and that the meeting will begin at 2 p.m.

Representative Robin J. Vos
Speaker of the Assembly

Senator Roger Roth
President of the Senate

Date

Jeffrey Renk
Senate Chief Clerk

RULES OF THE ASSEMBLY

100, a quorum is 51; in a Committee, if the membership is 11, the quorum is 6.)

(64) RECESS—the temporary suspension of business during a given legislative day. A recess within a given legislative day may be for a specified period or may await the call of the Presiding Officer.

(65) RECORD—a term referring to the official books of the Assembly into which are copied all of the official actions which are recorded on the jackets of any proposals; Committees also keep a "record" of all Public Hearings and Executive Action. By custom, Members often request that the "Record" show or that they be "recorded" in a certain way; such requests, if approved, are not entered into the Record Book itself but are made note of in the Journal.

(66) RECONSIDERATION—a motion to ask the Members if they wish to alter their original determination of a question.

(67) REGULAR ORDER OF BUSINESS—the established sequence of deliberation set up for each legislative day.

(68) REGULAR SESSION—the Biennial Session of the Legislature established by Constitution to commence at 12:00 noon on the 2nd Wednesday in January in each odd-numbered year, to continue until sine die adjournment of such Session. By popular usage the term "Session" is often used to refer to the daily sitting of "Session" of the Legislature.

(69) REJECTION—an action by which a motion, simple resolution or joint resolution is adversely disposed of in the House of origin for that Session of the Legislature.

(70) REMAIN INFORMAL—a term referring to that situation in which the Assembly does not recess or adjourn, but suspends its deliberations for indeterminate periods of time. The term is usually used to refer to a period of time when the Assembly awaits a message from the Senate, or such periods of time required to fulfill the formalities of bringing the two Houses together in Joint Convention.

(71) RESCIND—an action by which the Assembly cancels out or withdraws its action on specified stages of a proposal to enable consideration of a proposal from a given stage. Such motion is not used when the motion to reconsider could accomplish an identical purpose. The motion to rescind may be made when the motion to reconsider is exhausted; but it requires a two-thirds